

REMARKS

Upon entry of the present amendment, claims 1-19 will have been amended to enhance clarity and to more clearly recite the features of the present application. The amendments to the claims have not been made in view of the prior art and accordingly no prosecution history estoppel should attach thereto.

Additionally, attached to the present response Applicants are submitting a replacement sheet containing figures 1 and 2 that have been amended to include the legend "prior art"

Initially, Applicants wish to respectfully thank the Examiner for his acknowledgment of their claim for foreign priority under 35 U.S.C. § 119 as well as for confirming that the certified copy of the foreign priority document, upon which the above noted claim for foreign priority is based, has been received in the present application.

Applicants additionally wish to respectfully thank the Examiner for considering the documents cited in the Information Disclosure Statements filed in the present application on March 9, 2007, on October 27, 2005, as well as on August 22, 2005, by the return of the signed and initialed copies of the PTO 1449 forms attached to each of the above noted Information Disclosure Statements.

In the outstanding Official Action, the Examiner objected to the drawings and required figures 1 and 2 of the application to be designated by a legend such as "prior art ". By the present response and as previously noted, Applicants have attached hereto a replacement sheet containing figures 1 and 2 and amended as required by the Examiner. Accordingly, the Examiner is respectfully requested to withdraw the outstanding objection to the drawings.

In the outstanding Official Action, the Examiner rejected all of pending claims 1-19 under 35 U.S.C. § 103(a) as being unpatentable over EGLI et al., (U.S. Patent Application

Publication No. 2003/0110234) in view of VETRO (U.S. Patent Application Publication No. 2003/0156108). Applicants respectfully traverse the above noted rejection and submit that it is inappropriate and improper with respect to the combination of features recited in each of Applicants' claims.

Before discussing the Examiner's outstanding rejection, Applicants wish to make of record a personal interview conducted regarding the present application that took place on December 19, 2007. Applicants additionally wish to thank the Examiner for forwarding a copy of the Interview Summary Form that the Examiner issued with respect to the above noted personal interview. The above noted interview was attended by Applicants representatives Mr. Ueda and William Pieprz (not Steve Wegman), the Examiner Mr. Kim and his Supervisory Primary Examiner to Mr. Dalencourt.

During the above noted interview, the features of Applicants' invention were discussed in great detail and Applicants representatives compared and contrasted the features of the present invention with the disclosure of the EGLI et al., reference relied upon by the Examiner. In particular, Applicants noted that according to the teachings of the present invention, the URL comprises an address at which capability information of the second terminal is recorded and the URL is transmitted from the second terminal to the first terminal so that the first terminal can access the location defined by the URL and to acquire therefrom the capability information of the second terminal which is stored or recorded at the location defined by the URL.

Applicants noted that the EGLI et al., reference relied upon by the Examiner utilizes a URL but asserted that the URL of EGLI et al., is utilized in a totally different fashion than the URL recited in Applicants' claims. In this regard, while no agreement regarding patentability was reached during the above noted interview, Applicants representatives consider the above

noted interview to have been quite useful in clarifying the interpretation of the claim language and of the reference relied upon by the Examiner and it is believed that, as a result of the understanding achieved during the above noted interview, an identification of patentable subject matter will be facilitated.

In this regard, Applicants representatives wish to respectfully thank both Examiner Kim as well as his supervisor for their outstanding courtesy and cooperation during the scheduling and conducting of the above noted interview. Applicants sincerely appreciate the significant time spent by the Examiner and by his supervisor in reviewing the present application and the prior art of record herein prior to the above noted interview as well as for the time they devoted to conducting the above noted interview and for giving Applicants representatives a full and adequate time to present their position regarding the present application as well as for their constructive feedback with respect thereto. Applicants representatives additionally appreciate the significant knowledge on the part of both the Examiner and his supervisor as exhibited during the above noted interview.

Applicant's invention as defined by the various claims pending herein, is directed to a data distribution system comprising a first terminal and a second terminal, a first terminal in a data distribution system that distributes data, a second terminal in a data distribution system that receives data, a terminal in a data distribution system that comprises a location defined by a URL as well as a data request method and a data distribution method.

In the discussion to follow, Applicants will, for the convenience of the Examiner, describe Applicants' invention with respect to the data distribution system as recited in claim 1, which is being utilized herein as a nonlimiting example of Applicants' invention.

In particular, Applicants' invention is directed to a data distribution system comprising a first terminal having data and a second terminal, wherein the system distributes data, configured for the second terminal, from the first terminal to the second terminal. The first terminal comprises a data recorder that records data of a plurality of formats. A data distribution request receiver receives a distribution request for data in a format configured for the second terminal and that receives a URL, the URL comprising an address at which capability information of the second terminal is recorded, the URL being transmitted from the second terminal. A terminal information acquirer accesses the location defined by the URL and acquires the capability information of the second terminal from the address identified by the URL. A data selector selects data in a format configured for the second terminal on the basis of the acquired capability information of the second terminal. A data transmitter transmits the selected data to the second terminal. The first terminal comprises a terminal information describer that describes the capability information of the second terminal in a tree structure. A transmitter transmits the capability information of the second terminal, described in a tree structure, to a predetermined URL and a recorder records the capability information of the second terminal at the URL. A data distribution requestor requests the first terminal to distribute data configured for the second terminal and notifies the first terminal of the URL at which the capability information of the second terminal is recorded. A data receiver receives the data from the first terminal.

According to the teachings of EGLI et al., URL of particular full format multimedia objects on an Internet web site are modified to be served by the therein disclosed system. Thus the HTML pages on the web site are modified to replace the URLs of these full format multimedia objects with a URLs which point to the server on which the media delivery system is installed and contains the path to the media objects. Thus, the URLs with which EGLI et al.,

deals, relate to locations on the Internet where the content (i.e. the media objects) are contained. According to the teachings of EGLI et al., a client input invokes the modified URL in requesting a particular multimedia document. The media output capabilities are communicated to the system by the device (i.e. the client device) or are surmised by the system's client capabilities module. In this regard, the Examiner's attention is respectfully directed to paragraphs [0031] and [0032] of EGLI et al.

As previously noted, while Applicants' invention also utilizes URLs, they are utilized in a markedly and distinctly different fashion. In other words, while EGLI et al., utilizes URLs to define the location of the media, the present convention utilizes the URL to define a location at which the capability information of the second terminal is recorded or stored.

In EGLI et al., items containing media content on the Internet server 330 are encoded with a URL that directs clients requesting such media content to the system 320 (figure 3). According to the teachings of EGLI et al., when a client 301 requests an item of content, the request is routed to the client capabilities module 322 of the media delivery system 320. The client capabilities module 322 then identifies the client device and obtains available information about the device's capabilities. Based on this identification, the client capabilities module 322 retrieves additional information about the capabilities of the client device for displaying or outputting media from the data store 324. Thus according to the teachings of EGLI et al., at paragraph [0068], the capabilities of the client device is obtained from the data store 324. There is no indication within the disclosure of EGLI et al., that a URL is utilized to access the data store 324. Nor is there any need for a URL to access the data store 324 since, as clearly shown in figure 3 of EGLI et al., the data store is part of the media delivery system. The User Agent

header of the HTTP is utilized to obtain the client capability configuration from the data store as set forth in paragraph [0075].

EGLI et al., discloses that URLs are used internally within the system as an index for a particular object in a particular format. At paragraph [0077] the encoded URL string is disclosed as capable of indicating that a particular document in a particular format is stored at a particular location. In this regard, Applicants' claim 1 defines, as part of the second terminal, a transmitter that transmits the capability information of the second terminal described in a tree structure, to a predetermined URL and a recorder that records the capability information of the second terminal at the URL. Further, a data distribution requestor requests the first terminal to distribute the data configured for the second terminal and to notify the first terminal of the URL at which the capability information of the second terminal is recorded. No such capabilities are provided to any second terminal of EGLI et al.

In the above noted rejection, the Examiner admitted that in EGLI et al., the client capabilities are identified by the media content system, in contrast to Applicants' invention where the second terminal includes a terminal information describer that describes the information of the second terminal in tree structure. Thus the Examiner relies on VETRO for teaching this feature. However, there is no reason for modifying the system of EGLI et al., which contains the client capabilities internally within the system, by the use of a device such as that of VETRO which requires such capabilities to be obtained externally of the system from the clients themselves. Moreover, according to VETRO each device generates a description (initial XDI 550) which is then modified in combiners 580 by digital item adaptation descriptions 560 relating to network conditions. An XDI modifier is necessary to handle such modifications. Accordingly, VETRO uses a rather complicated system and there is no reason for modifying the

EGLI et al., system with such a complex description and modification system. In this regarding the Examiner's attention is respectfully directed to paragraph [0049] of the VETRO.

Additionally, Applicants' respectfully submit that VETRO does not disclose a transmitter that transmits the capability information of the second terminal described in a tree structure, to a predetermined URL and a recorder that records the capability information of the second terminal at the URL.

Furthermore neither of EGLI et al., or VETRO disclose a data distribution requestor that requests the first terminal (i.e. the content or data source) to distribute data configured for the second terminal and that notifies the first terminal of the URL at which the capability information of the second terminal is recorded. In fact, at paragraph [0077] EGLI et al., explicitly indicates that the URLs utilized therein are "used internally within the system". Thus, the teaching for which the Examiner relies upon the secondary reference, is explicitly taught away from by the disclosure of the primary reference. Accordingly, VETRO does not supply or overcome the above noted deficiencies of the primary EGLI et al., reference relied upon by the Examiner.

In setting forth the rejection, the Examiner asserts that would have been obvious to move the CCM from the server to the client devices in order to provide flexibility and a more accurate client capability information for accurate content adaption. However, the Examiner has provided no reasoning why this conclusion would be obvious. Moreover, the Examiner has also not provided any evidence that such a modification would result in flexibility or greater accuracy. It appears that the sole basis for the Examiner's combination of the teachings of these two references is based on the roadmap provided by Applicants' disclosure. Such is inappropriate and renders the Examiner's rejection improper.

Accordingly, Applicants' respectfully request reconsideration of the outstanding rejection together with an indication of the allowability of the claims pending herein, in due course. Such action is respectfully requested and is now believed to be appropriate and proper.



### SUMMARY AND CONCLUSION

Applicants have made a sincere effort to place the present application into condition for allowance and believe that they have now done so. Initially, Applicants have submitted a record of a personal interview conducted between Applicants' undersigned representative and the Examiner as well as the Examiner's supervisor. Applicants have additionally thanked the Examiner and his supervisor for the courtesies extended to them with respect to the above noted interview.


Applicants have additionally amended the claims to enhance the clarity and the descriptiveness of the claims with respect to Applicants' invention.

Applicants have discussed the disclosure of the references relied upon by the Examiner and have pointed out the shortcomings of such disclosures with respect to the claims pending in the present application. Applicants have discussed the recitations of the pending claims and with respect to such recitations have noted the deficiencies of the references relied upon by the Examiner. Applicants have also pointed out the lack of a proper reasoning to support the Examiner proposed combination of the references. Finally, Applicants have submitted that even if combined as proposed by the Examiner, the references relied upon do not disclose the combination of features recited in Applicants' claims. Accordingly, Applicants have provided a clear evidentiary basis supporting the Allowability of all the claims in the present application and respectfully request an indication to such effect, in due course.

The amendments to the claims which have been made in this amendment, which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,  
Sheng Mei SHEN et al.

  
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